

REMARKS

Claims 4-6, 8, 10-11, 14-16, 18, 20, and 53 are pending in the application with the present amendments. Replacement sheets containing Figures 1 and 4 are submitted herewith for the Examiner's approval. In the Official Action, the Examiner rejected all claims as being unpatentable under 35 U.S.C. §101 as lacking patentable subject matter. In addition, the Examiner rejected all claims under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,574,609 to Downs et al. ("Downs"). For the reasons set forth below, Applicants respectfully traverse the rejections under 35 U.S.C. §101, and submit that the presently amended claims are patentably distinguished from *Downs*.

Applicants traverse the rejections under 35 U.S.C. §101. It is respectfully submitted that the claims as recited are properly directed to patentable subject matter. As indicated in MPEP §2106 II.A., the claimed invention, as a whole, need only produce a "useful, concrete, and tangible result" (quoting *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 1601-2, 149 F.3d 1368, 1373, 47 USPQ2d 1596). There is no requirement that an invention which is implementable by machinery including computer hardware or software be claimed by language which specifically refers to computer hardware or software.

In addition, the claims are not directed to nonstatutory descriptive material. Rather, the claims recite inventions in a content distribution system, and a method of distributing content, in which there is a practical application in the technological arts. (MPEP 2106 IV.B.2(b)(ii)). Here, the claims clearly recite a practical application in the distribution of content to a receiver, using authentication

information to determine the validity of a content distribution operation.

As presented herein, new claim 53 recites an invention in a content distribution system having a distribution apparatus operable to distribute the content to the one or more receivers, and a monitoring apparatus. As recited in claim 53, the monitoring apparatus is operable to issue, as authentication information, a set of (a) time identification information indicating a time of issuing the authentication information and (b) distributor identification information assigned to the distribution apparatus. The monitoring apparatus is also operable to monitor a content distribution operation carried out by the distribution apparatus.

The distribution apparatus is operable to conduct the content distribution operation to distribute the content via a predetermined distribution path, together with the authentication information received from the monitoring apparatus, and to store a distribution history including the authentication information corresponding to the content distributed via the predetermined distribution path. The monitoring apparatus is operable to determine a validity of the content distribution operation based on the time identification information and to determine a distribution status of the distributed content based on the distribution history.

Clearly, *Downs* neither teaches nor suggests all of the above-recited features of the invention claimed in claim 53. *Downs* merely describes a system in which content is distributed to receivers with data hidden therein identifying the content owner, processing date, etc. (col. 9, lns. 60-62). However, *Downs* neither teaches nor suggests a system including a monitoring apparatus which is operable to determine the validity of a content distribution operation based on time identification

information distributed with the content and to determine the distribution status of the distributed content based on the distribution history.

Claim 11, which contains similar recitations, is also patentably distinguished from *Downs* for the reasons set forth above.

In addition, *Downs* neither teaches nor suggests the particular features of claim 8, which depends from claim 1. *Downs* neither teaches nor suggests the distribution apparatus being operable to store a distribution history for each content distributed via a predetermined path in association with its content identification information. Nor does *Downs* teach or suggest a system in which only the distribution history associated with specific content identification information is transferred by masking the distribution history with a predetermined filter. Neither does *Downs* teach or suggest the features recited in method claim 18 which has recitations similar to those of claim 8.

Support for the present amendments is found, *inter alia*, at ¶[0076] spanning pp. 17-18, and ¶¶[0083]-[0087] spanning pp. 20-21 of the Specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/764,602

Docket No.: SONYJP 3.0-138

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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IN THE DRAWINGS

Corrected Figures 1 and 4 are submitted herewith,
which are changed herein to include reference number 100.

Attachment: Replacement Sheets 1/4 and 4/4.